

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CARPENTER TECHNOLOGY CORPORATION,

Plaintiff,

v.

ALLEGHENY TECHNOLOGIES INCORPORATED
and ATI PROPERTIES, INC.,

Defendants.

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CIVIL ACTION
NO. 5:08-cv-02907-LS

JURY TRIAL DEMANDED

**DEFENDANTS' MOTION *IN LIMINE* TO PRECLUDE ARGUMENT THAT
STATEMENT OF REASONS FOR ALLOWANCE OF '564 PATENT MADE
AFFIRMATIVE FINDINGS REGARDING SCOPE OF PRIOR ART**

Defendants Allegheny Technologies Incorporated and ATI Properties, Inc. (collectively, "ATI") move *in limine* to preclude Carpenter from arguing that the examiner's statement of reasons for allowance made affirmative findings regarding the scope of the prior art. In support thereof, ATI states:

1. ATI seeks an order precluding argument that the statement of reasons for allowance made affirmative findings regarding the scope of the prior art.

2. As set forth in more detail in the Memorandum of Law in Support of Defendants' Motion, such evidence is irrelevant and its probative value is substantially outweighed by the potential for confusing the issues and misleading the jury, and, accordingly it is inadmissible under Federal Rules of Evidence 402 and 403.

3. In addition to the Memorandum of Law filed contemporaneously herewith, ATI relies on the following exhibit:

(A) Notice of Allowance

WHEREFORE, ATI respectfully requests that this Court grant its motion *in limine*, and enter the order attached hereto.

Respectfully Submitted:

K&L GATES LLP

s/Patrick J. McElhinny

Patrick J. McElhinny (admitted *pro hac vice*)

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Counsel for Defendants Allegheny Technologies
Incorporated and ATI Properties, Inc.

Dated: April 13, 2012

CERTIFICATE OF SERVICE

I hereby certify that on the April 13, 2012, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/Patrick J. McElhinny_____